CLOSED, ECF

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-01334-SAS

Natural Resources Defense Council, Inc. v. United States Department of Energy et al
Assigned to: Judge Shira A. Scheindlin
Cause: 05:552 Freedom of Information Act

Date Filed: 02/13/2009
Date Terminated: 05/19/2010
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

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V.

Defendant

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Defendant

United States Department of The Air Force

represented by **John Dalton Clopper**
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Date Filed	#	Docket Text
02/13/2009	1	COMPLAINT against United States Department of Energy, United States Department of The Air Force. (Filing Fee $ 350.00, Receipt Number 679331)Document filed by Natural Resources Defense Council, Inc.(ama) (Entered: 02/18/2009)
02/13/2009		SUMMONS ISSUED as to United States Department of Energy, United States Department of The Air Force. (ama) (Entered: 02/18/2009)
02/13/2009		Magistrate Judge Gabriel W. Gorenstein is so designated. (ama) (Entered: 02/18/2009)
02/13/2009		Case Designated ECF. (ama) (Entered: 02/18/2009)
02/13/2009	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc.(ama) (Entered: 02/18/2009)
03/11/2009	3	AFFIDAVIT OF SERVICE. United States Department of Energy served on 2/23/2009, answer due 4/24/2009; United States Department of The Air Force served on 2/23/2009, answer due 4/24/2009. Service was made by Mail. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Cmar, Thomas) (Entered: 03/11/2009)

03/19/2009	4	ANSWER to Complaint. Document filed by United States Department of Energy, United States Department of The Air Force.(Clopper, John) (Entered: 03/19/2009)
07/17/2009	5	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Thomas Cmar dated 7/16/09 re: counsel for plaintiff's write to request that the status conference in the above-referenced case that is presently scheduled for July 22, 2009, at 4:30 p.m., be adjourned and rescheduled for the week of September 21, 2009 or another time convenient for the Court. ENDORSEMENT: Request Granted. Conference rescheduled to 9/22/09 at 4:30. So Ordered. (Signed by Judge Shira A. Scheindlin on 7/16/09) (pl) Modified on 7/17/2009 (pl). (Entered: 07/17/2009)
09/17/2009	6	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from John D. Clopper dated 9/16/2009 re: The Government respectfully writes to request that the conference scheduled for 9/22/2009 be adjourned until the week of 10/12/2009 or another time convenient for the Court. ENDORSEMENT: The Government's request for an adjournment is hereby granted. The status conference has been rescheduled for 10/13/2009 at 5:00 pm. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 9/17/2009) (tve) (Entered: 09/17/2009)
12/08/2009	7	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from John D. Clopper dated 12/7/2009 re: The Government writes to request that the conference currently scheduled for 12/16/2009 be adjourned until 12/18/2009 or another time convenient for the Court. ENDORSEMENT: The government's request to adjourn the 12/16/2009 conference is hereby granted. The conference has been rescheduled for 12/18/2009 at 5:00 pm. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 12/8/2009) (tve) (Entered: 12/08/2009)
12/22/2009		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 12/22/2009, (Status Conference set for 2/17/2010 at 04:30 PM before Judge Shira A. Scheindlin.). (mbe) (Entered: 12/29/2009)
01/04/2010	8	SCHEDULING ORDER: The Department of Energy anticipates that it will finish its re-examination of the documents responsive to plaintiff's 10/31/08 FOIA request by 1/29/10. The Department of Energy further anticipates that it will issue the notification required by 10 C.F.R. section 1004.11 if necessary no later than 2/17/10. The parties do not expect that this case will be the subject of a trial. Status Conference is set for 2/17/2010 at 04:30 PM before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 12/29/09) (dle) (Entered: 01/04/2010)
03/26/2010	9	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Thomas Cmar dated 3/25/2010 re: Counsel respectfully request that the status conference currently scheduled for 3/26/2010, at 4:30 p.m., be adjourned and rescheduled for the week of 4/19/2010 or another time convenient for the Court. ENDORSEMENT: Plaintiff's request for an adjournment of the March 26, 2010 conference is hereby granted. The conference has been rescheduled for April 22, 2010 at 4:30 p.m. (Status Conference set for 4/22/2010 at 04:30 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 3/26/2010) (tro) (Entered: 03/26/2010)

05/19/2010	10	STIPULATION AND ORDER: Plaintiff and Defendants agree to dismissal of this action with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1). The parties agree to meet and confer regarding Plaintiffs entitlement to attorneys' fees and costs under FOIA, 5 U.S.C. § 552(a)(4)(E). Defendants preserve all rights to challenge Plaintiffs entitlement to attorneys' fees and costs, as well as to challenge the amount of fees and costs Plaintiffs may seek to recover. If the parties are unable to reach an agreement on Plaintiff s entitlement to attorneys' fees and costs and the appropriate amount, Plaintiff will file a motion to recover its attorneys' fees and costs not later than July 5, 2010. (Signed by Judge Shira A. Scheindlin on 5/19/2010) (jpo) (Entered: 05/19/2010)
06/30/2010	11	ENDORSED LETTER addressed to Judge Shira A.Scheindlin from Thomas Cmar dated 6/29/10 re: Request for a four-week extension of time to file a motion to recover attorney's fees. ENDORSEMENT: Request granted. Any motion for attorneys' fees must be field by 8/2/10. (Motion due by 8/2/2010.) (Signed by Judge Shira A. Scheindlin on 6/29/10) (cd) (Entered: 06/30/2010)
07/16/2010	12	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from John Clopper dated 7/15/10 re: Request that the time for NRDC to file its motion for summary judgment be extended from 8/2 to 8/16/10. ENDORSEMENT: Request granted. Plaintiff's time to file its request for attorneys' fees is extended to 8/16/10. (Motion due by 8/16/2010.) (Signed by Judge Shira A. Scheindlin on 7/16/10) (cd) (Entered: 07/16/2010)
08/12/2010	13	STIPULATION AND ORDER OF SETTLEMENT OF ATTORNEYS' FEES, that the Defendants shall pay to the NRDC the sum of $11, 500.00 in attorneys' fees and litigation costs (the "Settlement Amount"), pursuant to 5 U.S.C. § 552(a) (4)(E}, divided between the DOE and USAF as set forth in paragraph 2, which sum NRDC agrees to accept as full payment of any attorneys' fees and costs NRDC has incurred or will incur in this action for services performed up to the date of this Stipulation and Order. Upon payment, NRDC releases the United States, including DOE and USAF, from any claims regarding such fees and costs. 2. Defendants shall apportion the Settlement Amount as follows: USAF shall pay NRDC $690.00, and DOE shall pay the NRDC $10, 810, for a combined total of $11,500. Additional relief as set forth in this Order. (Signed by Judge Shira A. Scheindlin on 8/12/10) (pl) Modified on 8/12/2010 (pl). (Entered: 08/12/2010)

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